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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/591,073

08/29/2006

Arnold Kravitz

20040002

7450

22500

7590

06/15/2009

BAE SYSTEMS

PO BOX 868

NASHUA, NH 03061-0868

EXAMINER

TO, TUAN C

ART UNIT

PAPER NUMBER

3663

MAIL DATE

DELIVERY MODE

06/15/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/591,073	<b>Applicant(s)</b> KRAVITZ, ARNOLD	
	<b>Examiner</b> TUAN C. TO	<b>Art Unit</b> 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 27 February 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Applicant's election of Group I (claims 1-8) in the reply filed on 12/16/2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-8, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjornholt (US 5493309A) and in view of Komiak et al. (US 20050206551A1).

Regarding claims 1-3, Bjornholt discloses a collision avoidance communication system and method that has capable of providing a warning notification of a hazard to an aircraft. Bjornholt teaches a radar system (16) that

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has capability of detecting collision (see column 4, lines 17-30); a transceiver is capable of allowing said system to provide said warning to the ground control station (18) (see figure 3, column 8, lines 7-14, the aircraft stations 24 carried by equipped aircraft 12 is capable of transmitting and receiving location data, and the ground control station is capable to receive warning signal from the aircraft).

The aircraft station (24) shown in figure 3 and further illustrated in column 7, lines 19-46 includes a storage device and a memory, and a controller (58) coupled to said memory and the spread spectrum radio (68) for receiving a signal transmitted from the control station (18).

Bjornholt fails to disclose a processor that is configured to determine a modulation scheme, based on a determined category of radar system, for displaying an array of icons on the location external from an aircraft, and that said array of icons providing covert warning.

Komiak et al. discloses a digital RF tag system comprising a control processor (36) configured to determine a modulation scheme (see figure 4, modulated with pseudo random code, 49) based on the signal received from RCVR (26) (see figure 4 and paragraph 0038).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Bjornholt to include the teaching of Komiak et al. in order to communicate with a plurality of different platform each having different waveform characteristics.

As to claim 5, Bjornholt teaches a storage device that is capable of storing the received signals (see column 6, lines 9-16).

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As to claim 6, Komiak et al. further teaches a delaying device for holding received signal for a predetermined period of time (see figure 8, and paragraph 0047).

As to claim 7 and 8, Bjornholt further teaches the location external from the aircraft (12, or 14) is a ground radar system (18) (see figure 1).

As to claim 21, Bjornholt directs to a communication system and method in which the radar system (16) determines locations of equipped aircraft (12) and unequipped aircraft (14) within the airspace (10). The equipped aircraft (12) includes the aircraft station (24) for receiving from the radar system (16) via the spread spectrum radio (40) the waveform signal.

#### ***Allowable Subject Matter***

Claim 4 is allowable.

#### ***Response to Arguments***

The applicant's remarks filed on 02/27/2009 include the statements that the cited reference to Bjornholt fails to disclose "determining a category of radar system associated with a received signal".

In contrast, the examiner has discovered that Bjornholt discloses a communication system for providing a covert warning of a hazard to an aircraft. In Bjornholt, the radar system (16), which is coupled to the ground control station (18), is capable to detect collision of nearby aircraft by determining the location of said aircraft (column 4, lines 21-29). The aircraft (12) is equipped with the control station (24) illustrated in figure 3 for receiving the radar signal from the radar system. Therefore, the control station (24) has capability of determining a

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category of radar system associated with a received signal. It is noted that Bjornholt includes all necessary components to implement the desired use of the claimed system.

Bjornholt merely fails to disclose a processor that is configured to determine a modulation scheme, based on a determined category of radar system, for displaying an array of icons on the location external from an aircraft, and that said array of icons providing covert warning.

The secondary reference to Komiak et al. discloses a digital RF tag system comprising a control processor configured to determine a modulation scheme based on the signal received from RCVR (26).

Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Bjornholt to include the teaching of Komiak et al. for the advantage of communicating with a plurality of different platform each having different waveform characteristics.

### ***Conclusions***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan C To/

Primary Examiner of Art Unit 3663/3600

May 27, 2009

